

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF DELAWARE

EDWARD G. WILLIAMS,	:
	:
	:
v.	: Civil Action No. 07-637-JJF
	:
CORRECTIONAL MEDICAL SERVICES,	:
et al.,	:
	:
Defendants.	:

**MEMORANDUM AND ORDER**

**I. INTRODUCTION**

Pending before the Court are Plaintiff's Motion To Compel, Motion For Physical Examination, Motion For "Supplemental Complaint", Motion To Amend, and Motion To Set Aside Settlement, and Defendants' Motion To Stay Discovery. (D.I. 133, 135, 138, 142, 147, 153.)

**II. BACKGROUND**

Plaintiff Edward G. Williams ("Plaintiff"), an inmate at the James T. Vaughn Correctional Center ("VCC"), Smyrna, Delaware, filed this lawsuit pursuant to 42 U.S.C. § 1983. He initially appeared pro se, but is now represented by counsel. (D.I. 155.) The pending Motions raise discovery issues, seek to amend the Complaint, and to set aside a settlement.

**III. DISCUSSION**

Inasmuch as Plaintiff is now represented by counsel, the Court will deny without prejudice with leave to renew the discovery motions and motions to amend. (D.I. 133, 135, 138,

142, 157.) Counsel for the parties shall meet within thirty days from the date of this Order to attempt to resolve all discovery disputes.

With regard to the Motion To Set Aside, the Court previously construed several letter filed by Plaintiff as a Motion To Reopen Or Set Aside The Settlement. (D.I. 130, 131, 132, 134, 139.) Defendants have filed Briefs in opposition of Plaintiff's Motion (D.I. 149, 150, 154) and Plaintiff, while proceeding pro se, filed a Reply Brief (D.I. 151) just a few days before counsel for Plaintiff entered an appearance (D.I. 155). Since that time, Plaintiff has also filed a formal Motion To Set Aside and Defendants filed a Reply to the Motion. (D.I. 153, 154.)

The Court has been advised that the parties continue to discuss settlement and have agreed that Plaintiff will withdraw his November 25, 2009 reply brief (D.I. 151) in support of the Motion To Reopen Or Set Aside Settlement (as construed by the Court at D.I. 139), and may file a new Reply Brief by or on January 6, 2010. (See D.I. 158.) It appears that Plaintiff's counsel is unaware of the recently filed Motion To Set Aside found at D.I. 153. (See D.I. 157.) Therefore, the Court will dismiss that Motion without prejudice with leave to renew. (D.I. 153.)

#### **IV. CONCLUSION**

IT IS THEREFORE ORDERED that:

1. Plaintiff's Motion To Compel is DENIED without prejudice with leave to renew. (D.I. 133.)

2. Counsel for the parties shall meet within THIRTY (30) DAYS from the date of this Order to attempt to resolve all discovery disputes.

3. Plaintiff's Motion Under Rule 35 Requesting Examination By An Outside Doctor is DENIED without prejudice with leave to renew. (D.I. 135.)

4. Plaintiff's Motion For "Supplemental Complaint" is DENIED without prejudice with leave to renew. (D.I. 138.)

5. Defendants' Motion To Stay Discovery is DENIED without prejudice with leave to renew. (D.I. 142.)

6. Plaintiff's Motion To Amend/Correct Complaint is DENIED without prejudice with leave to renew. (D.I. 147.)

7. Plaintiff's Motion To Set Aside is DENIED without prejudice with leave to renew. (D.I. 153.)

December 30, 2009  
DATE

Joseph J. Fauran Jr.  
UNITED STATES DISTRICT JUDGE